

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RONALD J. ALLISON,

4 Plaintiff,

5 v.

6 CLARK COUNTY DETENTION CENTER,

7 Defendant.

Case No. 2:21-cv-01170-JAD-EJY

ORDER

8 On June 21, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center
9 (“CCDC”), submitted a motion re: denial of medical services (ECF No. 1-1). Plaintiff has neither
10 filed a complaint nor an application to proceed *in forma pauperis* in this matter. Under 28 U.S.C. §
11 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to
12 proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full
13 \$402 filing fee. Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing
14 a complaint with the court.” Fed. R. Civ. P. 3.

15 To apply for *in forma pauperis* status, the inmate must submit all three of the following
16 documents to the Court:

17 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s
18 approved form (including pages 1 through 3 with the inmate’s two signatures on page 3),

19 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
20 (page 4 of this Court’s approved form), and

21 (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous**
22 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff

23 must still submit an inmate account statement for the dates he has been present at the facility.

24 The Court grants Plaintiff a **one-time extension** to file a complaint and fully complete
25 application to proceed *in forma pauperis* containing all three of the required documents, or in the
26 alternative, pay the full \$402 filing fee for this action on or before **September 7, 2021**. Absent
27 unusual circumstances, the Court will **not** grant any further extensions of time.
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1 If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma*
2 *pauperis* with all three required documents or pay the full \$402 filing fee on or before **September**
3 **7, 2021**, the Court will recommend dismissal of this case **without prejudice** allowing Plaintiff to
4 file a new case with the Court when Plaintiff is able to file a complaint and able to acquire all three
5 of the documents needed to file a fully complete application to proceed *in forma pauperis* or pay the
6 full \$402 filing fee.

7 A dismissal **without prejudice** means Plaintiff does not give up the right to refile the case
8 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three
9 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,
10 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full
11 filing fee of \$402 on or before **September 7, 2021** to proceed with this case.

12 Accordingly, and for the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall
13 file a complaint in this Court on or before **September 7, 2021**.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the approved
15 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
16 shall also send Plaintiff a copy of his motion re: denial of medical services. ECF No. 1-1.

17 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
18 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
19 information and instructions for filing an *in forma pauperis* application.

20 IT IS FURTHER ORDERED that on or before **September 7, 2021**, Plaintiff shall either pay
21 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
24 approved form (including pages 1 through 3 of the form with the inmate's two signatures on
25 page 3),
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1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
2 (page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
4 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
5 must still submit an inmate account statement for the dates he has been present at the facility.

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
7 application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for
8 a civil action on or before **September 7, 2021**, the Court will recommend dismissal of this action
9 **without prejudice** for Plaintiff to refile the case with the Court, under a new case number, when
10 Plaintiff is able to file a complaint and has all three documents needed to file a complete application
11 to proceed *in forma pauperis* or pays the full \$402 filing fee.

12 Dated this 7th day of July, 2021.

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15 ELAYNA J. YOUCHAH
16 UNITED STATES MAGISTRATE JUDGE
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